

Law Office of  
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1227 West 9<sup>th</sup> Ave., Ste 200  
Anchorage, Alaska 99501  
(907) 279-6595  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC.,  
an Alaskan Corporation

Plaintiff/Appellant,

vs.

UNITED STATES OF AMERICA,

acting by and through

the UNITED STATES DEPARTMENT of  
the NAVY MILITARY SEALIFT  
COMMAND, and UNITED STATES  
DEPARTMENT OF THE ARMY  
MILITARY TRAFFIC MANAGEMENT  
COMMAND

IN ADMIRALTY

Case No. 3AN-03-006 CV

SAMSON TUG AND BARGE'S  
RESPONSES TO USA'S 1<sup>ST</sup> SET  
OF RFPS, INTERROGATORIES  
AND REQUEST FOR  
ADMISSIONS

COMES NOW, Plaintiff Samson Tug and Barge responds to U.S.A.'s First Set of  
Discovery as follows:

**INTERROGATORIES**

INTERROGATORY NO. 1: Do you contend that Contract No. N62387-95D-

8503 required that between the dates of October 1, 1995 and September 30, 1997 the  
Government utilize Samson for the carriage of all military and sponsored cargo offered

Samson's Responses to U.S.A.'s 1<sup>st</sup> Request for Production,  
Interrogatories & Request for Admissions

Civil No. A03-006CV (JWS)

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Exhibit "B"  
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ANSWER:

**Richard Gluck**, Attorney for Samson Tug & Barge  
Fifth Floor  
1000 Potomac Street, N.W.  
Washington, D.C. 20007-3501  
(202) 965-1729

**Corella (Cory) Mudry**, Samson Tug & Barge  
c/o Law Office of William G. Royce  
1227 W. 9<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501  
(907) 297-9565

**John Green**  
c/o Richard Gluck, Attorney for Samson & Tug  
Fifth Floor  
1000 Potomac Street, N.W.  
Washington, D.C. 20007-3501  
(202) 965-1729

INTERROGATORY NO. 23: Please explain in detail the source of Samson's definition of "contract cargo" as it appears in Samson's First Set of Requests for Admission and Interrogatories to the Government.

ANSWER: The source is the contract drafted by Defendants, which is the subject of this litigation.

**REQUESTS FOR ADMISSIONS**

REQUEST FOR ADMISSION NO. 1: Do you admit Samson carried in excess of the estimate made by the Government in soliciting bidders for Contract No. N62387-95-D-8503? (If your response is anything other than a full and complete admission, please

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state each and every fact, which forms the basis of your denial, as required by Rule 36, Federal Rules of Civil Procedure.)

ANSWER: Plaintiffs admit and deny the request in part. Plaintiffs admit that they carried cargo in excess of the estimate made by the government in soliciting bidders for Contract No. N62387-95-D-8503; however they deny that such was true for the "Option 1" during the period 10/01/96 – 03/31/97. Additionally, Plaintiffs deny such was true for the six, one-month extensions during the period 04/01/97 – 10/16/97.

REQUEST FOR ADMISSION NO. 2: Do you admit that, at the time Samson executed Contract No. N62387-95-D-8503, it was anticipating a 71% decrease in cargo volume from the Navy's 1994 projections? (If your response is anything other than a full and complete admission, please state each and every fact, which forms the basis of your denial, as required by Rule 36, Federal Rules of Civil Procedure.)

ANSWER: This Request contains a specific percentage reference (71%). Despite due diligence, Samson has not found such a reference in files or records reviewed to date. Accordingly, Samson can neither admit or deny this Request. A supplemental response will be filed if Samson discovers information upon which it can admit or deny this Request.

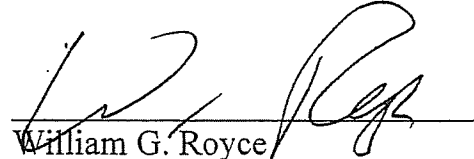
REQUEST FOR ADMISSION NO. 3: Do you admit that Contract No. N62387-95-D-8503, section C-1.1, entitled "Transportation Services" limits cargo transportation under said Contract to ocean and intermodal transportation between the Naval Air Facility at Adak, Alaska and points within the Continental United States? (If your

Samson's Responses to U.S.A.'s 1<sup>st</sup> Request for Production,  
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DATED at Anchorage, Alaska this 1<sup>st</sup> day of March 2004.

Law Office of William G. Royce  
Counsel for Plaintiff  
Samson Tug & Barge Co., Inc.

  
William G. Royce  
Alaska Bar No. 7210066

**CERTIFICATE OF SERVICE**

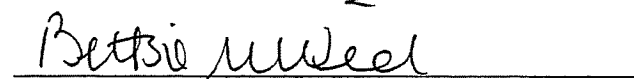
I certify that the foregoing document:

*PLAINTIFF'S RESPONSES TO USA'S  
FIRST SETS OF REQUESTS FOR PRODUCTION,  
INTERROGATORIES AND REUESTS FOR  
ADMISSIONS TO SAMSON TUG AND BARGE*

was served by first class mail this 1<sup>st</sup> day of March  
2004 on the following counsel of record:

**Timothy M. Burgess**  
United States Attorney  
Federal Building and U. S. Courthouse  
222 West Seventh Avenue, #9, Room 253  
Anchorage, Alaska 99513-7567

**Jeanne M. Franken**  
Torts Branch, Civil Division  
U. S. Department of Justice  
7-5393 Federal Building  
P.O. Box 36028  
San Francisco, California 94102-3463

  
Bettsie M. Wild, CLA

Samson's Responses to U.S.A's 1<sup>st</sup> Request for Production,  
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